

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

NO. 3:10-cr-260 (12)  
JUDGE HAYNES

FATAH HAJI HASHI (12) )

DEFENDANT FATAH HAJI HASHI's  
MOTION TO EXCLUDE NEWLY DISCLOSED EXPERT TESTIMONY  
AND TEST RESULTS

*Quisha*  
*For the reasons*  
*sketched in open court*  
*This motion is*  
*GRANTED.*  
*Will [Signature]*  
*4/9/12*

Comes Defendant Fatah Haji Hashi, through appointed counsel, and moves the Court to concerning expert testimony from Michael J. Spellman, M.D., and James Lewis, M.D. Discovery concerning these experts involve x-ray analysis to approximate the chronological age of JD2 was received late afternoon on April 8, 2012.

**Background**

On Easter Sunday, April 8, 2012, in late afternoon, undersigned counsel received several e-mails from Assistant U.S. Attorney Van Vincent advising of two *new* expert witnesses and reports related to an estimation of JD2's age. The expected expert testimony is based on a forensic analysis of x-rays of JD2's wrists and jaw.<sup>1</sup> There had been no previous disclosure or hint that Drs. Spellman and Lewis would be experts in this case.

Later on the afternoon of April 8, 2012, undersigned counsel received a phone call from Mr. Vincent concerning his e-mails. During the course of the conversation, Mr. Vincent offered to provide undersigned counsel a copy of a CD related to the anticipated expert testimony. At approximately 5:30 PM, Mr. Vincent arrived and delivered the CD and a paper copy of the report

<sup>1</sup> The reports reflect that the x-rays and analysis was conducted on April 7, 2012 and printed on April 7, 2012.